

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THONG HACH,
Plaintiff,
v.
MARION SPEARMAN,
Defendant.

Case No. [15-cv-00662-JSC](#)

ORDER OF TRANSFER

Re: Dkt. Nos. 5, 7

Petitioner, a California prisoner proceeding pro se, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254.¹ The petition challenges the validity of his criminal sentence from San Joaquin County Superior Court.

A petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court of a state which contains two or more federal judicial districts may be filed in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). Each of such districts shall have concurrent jurisdiction to entertain the petition; however, the district court for the district where the petition is filed may transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 768 (N.D. Cal. 1993); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

As Petitioner challenges the validity of his sentence, the proper venue for his petition is the district in which he was convicted. San Joaquin County is located within the venue of the Eastern District of California. *See* 28 U.S.C. § 84.

¹ Petitioner has consented to the jurisdiction of a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). (Dkt. No. 4.)

1 Accordingly, in the interest of justice, this case is TRANSFERRED to the United States
2 District Court for the Eastern District of California. In light of this transfer, ruling on Petitioner's
3 application to proceed in forma pauperis and extension of time to complete that application are
4 deferred to the Eastern District. The Clerk shall terminate these motions from this Court's docket
5 (docket numbers 5, 7), and shall transfer this matter forthwith.

6 **IT IS SO ORDERED.**

7 Dated: March 20, 2015

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9 JACQUELINE SCOTT CORLEY
10 UNITED STATES MAGISTRATE JUDGE
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United States District Court
Northern District of California